IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 2ND JANUARY 2007 / 12TH PAUSHA 1928

Crl.Rev.Pet.No. 2734 of 2003(C)

CRA.99/2002 of SESSIONS COURT, KOTTAYAM
CC.35/2001 of CHIEF JUDICIAL MAGISTRATE COURT, KOTTAYAM
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REVN. PETITIONER: APPELLANT/ACCUSED

O.R.BALACHANDRAN, OLICKAL HOUSE,
VACHOOCHIRA P.O., ERUMELY.

BY ADV. SRI.B.PREMOD

RESPONDENTS: RESPONDENTS/COMPLAINANT
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1. SIMON CHERIAN, MANALEL HOUSE,
VECHOOCHIRA P.O.M ERUMELY.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

BY ADV. SRI.RAJEEV V.KURUP
BY PUBLIC PROSECUTOR SHRI MOHAMED PUZHAKKARA

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 2734 OF 2003

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Dated this the 2nd day of January, 2007

O R D E R

Revision Petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act by the Chief Judicial Magistrate, Kottayam. Criminal Appeal No.99 of 2002, Sessions Court, Kottayam, filed against the conviction and sentence was also dismissed. Hence this Criminal Revision Petition.

2. Parties have filed Crl. M.A. No.13407 of 2006 for compounding the offence stating that they had settled the matter. Today, I have allowed that application. Hence Criminal Revision Petition is only to be allowed.

3. It is submitted by Shri Pramod, learned counsel appearing for revision petitioner, that revision petitioner had deposited an amount of Rs.10,000/- before the Magistrate in pursuance of a conditional order passed by the lower appellate court for suspending execution of sentence and it is agreed to by

both parties that said amount can be withdrawn by the revision petitioner, who is the accused in the case. In view of the statement made by learned counsel at Bar, amount, if any, deposited by revision petitioner, who is the accused, in pursuance of any interim order passed by the learned Sessions Judge in Crl.Appeal No. 99 of 2002 will be refunded to revision petitioner.

3. In the result, Criminal Revision Petition is allowed. Conviction and sentence imposed on the Revision Petitioner are set aside. He is acquitted under Section 320(8) of the Criminal Procedure Code.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO.

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O R D E R

JANUARY, 2007